

Number: WG23293



Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation Document

# Local Development Plans Process Review

Date of issue: **1 October 2014**

Action required: Responses by **2 January 2015**

## Overview

We are making improvements to the Local Development Plan (LDP) process and are consulting on revisions of our current LDP guidance documents and secondary legislation.

These are:

- Planning Policy Wales, 2014 (Ch2: Development Plans)
- Local Development Plans Wales, 2005
- Local Development Plan Manual, 2006
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

Building on good practice, experience and lessons learnt to ensure a more efficient and effective process, we are proposing to take forward all the key outcomes from the LDP Process Refinement Exercise: Report 2013.

This consultation is separate to the ongoing Planning (Wales) Bill and does not cover primary legislative matters.

## How to respond

The consultation paper includes specific questions upon which the Welsh Government would welcome your views.

The closing date for responses is 2 January 2015. You can respond in any of the following ways:

Email:

Please complete the consultation response form at Annex 3 and send it to: [planconsultations-d@wales.gsi.gov.uk](mailto:planconsultations-d@wales.gsi.gov.uk)

(Please include 'LDP Process Review Consultation WG23293' in the subject line.)

Post:

Please complete the consultation response form at Annex 3 and send it to:

LDP Process Review Consultation  
Plans Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ.

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

This consultation document and its annexes are available on our web-site: [www.wales.gov.uk/consultations/planning/?lang=en](http://www.wales.gov.uk/consultations/planning/?lang=en)

The following Annexes to the consultation document contain the revised guidance and secondary legislation:

- Annex 1.1 – Planning Policy Wales, 2014 (Chapter 2: Development Plans); & Local Development Plans Wales (– *merged & revised*)
- Annex 1.2 – Local Development Plan Manual (– *revised*)
- Annex 2 –The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (– *intention of proposed revisions*)

Further related documents can be found here:

- The Local Development Plan Process Refinement Exercise: Report (2013) [www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/ldp-process-refinement-report/?lang=en](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/ldp-process-refinement-report/?lang=en)

Current guidance and secondary legislation:

- Planning Policy Wales, 2014 (Ch2: Development Plans) [www.wales.gov.uk/topics/planning/policy/ppw/?lang=en](http://www.wales.gov.uk/topics/planning/policy/ppw/?lang=en)
- Local Development Plans Wales, 2005
- Local Development Plan Manual, 2006 [www.wales.gov.uk/topics/planning/policy/policy-and-guidance-on-development-plans/?lang=en](http://www.wales.gov.uk/topics/planning/policy/policy-and-guidance-on-development-plans/?lang=en)
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 [www.legislation.gov.uk/search?title=&year=2005&number=2839&type=wsi](http://www.legislation.gov.uk/search?title=&year=2005&number=2839&type=wsi)

## Contact details

For further information please contact:

email: [planconsultations-d@wales.gsi.gov.uk](mailto:planconsultations-d@wales.gsi.gov.uk)  
telephone: Carole Doyle on 029 2082 6956,  
Elaine Ancrum on 029 2082 3710,  
or Heledd Cressey on 0300 0625426.

## **Data protection**

### **How the views and information you give us will be used**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

# **Local Development Plans Process Review - Consultation Document<sup>1</sup>**

## **Content**

**Section 1 – Introduction and Overview**

**Section 2 – Proposed Changes**

**Section 3 – Consultation Questions**

## **Annexes:**

**Annex 1 - Local Development Plan guidance documents:**

**1.1 - Planning Policy Wales, 2014 (Chapter 2: Development Plans);  
& Local Development Plans Wales (- merged & revised)**

**1.2 - Local Development Plan Manual (- revised)**

**Annex 2 - Intention of proposed revisions to: The Town and Country  
Planning (Local Development Plan) (Wales) Regulations (2005  
No. 2839 (W.203)).**

**Annex 3 - Consultation Response Form**

**Annex 4 - List of Bodies / Organisations informed of the Consultation**

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<sup>1</sup> This consultation document and its annexes are available on our web-site:  
<http://wales.gov.uk/consultations/planning/?lang=en>

## Section 1 - Introduction and Overview

### - What is this consultation about?

1.1 Up-to-date Local Development Plans (LDPs) provide certainty about what kind of development will and won't be permitted in the plan period. We are making improvements to the LDP process and are consulting on revisions of our LDP guidance documents and secondary legislation (at Annexes 1 & 2).

### - What is the current position?

1.2 Our current LDP guidance documents are available on our web-site<sup>2,3</sup>:

- Planning Policy Wales, 2014 (Chapter 2: Development Plans)
- Local Development Plans Wales, 2005
- Local Development Plan Manual, 2006

1.3 The current LDP Regulations are available on the legislation.gov.uk web-site<sup>4</sup>.

### - Why are we proposing change?

1.4 The ongoing LDP Process Refinement Exercise (PRE) has already benefited from the experience of many local planning authorities (LPAs) and others who have been involved in the preparation of a significant number of LDPs over recent years. The LDP PRE Report (WG, 2013)<sup>5</sup> provides a summary of this extensive stakeholder engagement together with the key outcomes that were identified (section 6 of the Report).

1.5 Building on good practice, experience and lessons learnt to ensure a more efficient and effective process, we are proposing to take forward all the key outcomes from the LDP PRE Report.

1.6 This consultation is separate to the ongoing Planning (Wales) Bill work and does not cover primary legislative matters.

## Section 2 - Proposed Changes

### - What are the main changes we are proposing?

2.1 We propose to take forward all the **key outcomes** identified in the PRE Report (at paras 6.2&6.3) through a combination of amendments to

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<sup>2</sup> <http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>;

<http://wales.gov.uk/topics/planning/policy/policy-and-guidance-on-development-plans/?lang=en>

<sup>3</sup> We will in due course be revising the public guide, *Planning Your Community: A guide to Local Development Plans, 2006*, to reflect changes taken forward.

<sup>4</sup> The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (the LDP Regulations) <http://www.legislation.gov.uk/search?title=&year=2005&number=2839&type=ws>

<sup>5</sup> <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/ldp-process-refinement-report/?lang=en>

secondary legislation and to national guidance. This has resulted in main changes aimed to:

- a). Increase and improve front-loading of the process**, with a more integrated approach to incorporating sustainability appraisal / strategic environmental assessment (SA/SEA) fully into LDP preparation, a more informative Preferred Strategy and a requirement for sites being brought forward at the early stages of the process negating the need for the burdensome and confusing 'Alternative Site' (Reg.20&21) stage.
- b). Reduce the required stages for plan revision**, by introducing a short-form more proportionate procedure for making partial revisions to an adopted LDP where the issues involved are not of sufficient significance to warrant the full procedure, notably where the strategy remains sound.
- c). Repackage the soundness tests** for clarity and simplicity.
- d).** Provide greater clarity in relation to the **robust evidence base, deliverability, monitoring and review.**

2.2 Other changes specifically affecting the LDP Regulations include:

- e). Resources:** regard should be had to the resources available or likely to be available to deliver the policies and proposals set out in the LDP (at Reg13). (This is key given that LDP strategies should be deliverable within the plan period.)
- f). End date:** a requirement that the LDP sub-title indicate 'the end date of the LDP period' (i.e. the end of the period for which the LDP is planning) at Reg11(1)(b).
- g). Notice:** remove the requirement to "give notice by local advertisement"; meaning "by publication on at least one occasion in a local newspaper circulating in the whole of the area of the LPA". (e.g. at Reg22(5)(b); Reg23(1)(c); 24(2)(b); 25(2)(c); 26(b)). This will not reduce the level of publicity given to the LDP, as this will be suitably addressed in the Delivery Agreement through its Community Involvement Scheme.
- h). Savings / transitional provisions:** ensure that amendments to the Regulations do not delay the momentum of plan preparation or disadvantage anyone.

2.3 Other changes proposed to the LDP documentation include:

- i). Revised and succinct guidance package** which will serve to provide clear focussed guidance for plan-makers and those participating in the process (realising that much of the basic guidance on the process is no longer necessary given that the LDP system has been in force for the best part of a decade); this **includes:**

- Locating revised key policy on the LDP process in a single location in Planning Policy Wales (Ch.2) rather than the current spread between it and LDP Wales, thereby eliminating LDP Wales; the LDP Manual including all necessary guidance.
- Eliminating the ‘main themes for the LDP system’ currently at chapter 2 of the LDP Manual.

j). **Consultees:** listings of statutory and other consultees.

### - What outcomes do we anticipate?

2.5 We aim to ensure the LDP process facilitates the preparation and maintenance of up-to-date plans. The process will be made more efficient and effective through provision of revised LDP regulations together with revised and streamlined guidance documentation. We need to ensure that plan-makers and those participating in the process have clear focussed guidance, realising that much of the basic guidance on the process is no longer necessary given that the LDP system has been in force for the best part of a decade.

2.6 To enable the intended outcome of a less onerous and swifter plan process, secondary legislation is required to eliminate the burdensome ‘alternative sites’ stage and to provide a more streamlined procedure for partial revisions to an adopted LDP.

## Section 3 - Consultation Questions

3.1 Questions relating to this consultation are set out below. If you wish to respond please complete the **Consultation Response Form at Annex 3**.

3.2 Responses to consultations may be made public on the internet or in a separate report. If you would prefer your response to be kept confidential please indicate this by ticking the relevant box on the response form.

3.3 In considering the following questions we would like you to consider whether you agree with both the **principle** of the proposed changes and the **detail** of the revised guidance and Regulations.

### - Questions

<b>Q1</b>	<b><u>Front-loading / alternative sites</u></b> With the proposed greater front-loading of the process in terms of sites and a more defined and informative Preferred Strategy, do you agree that no-one would be disadvantaged by the elimination of the ‘alternative sites’ stage (Regulations 20&21)?
<b>Q2</b>	<b><u>Review report</u></b> Do you agree that the LPA should prepare and publish a Review Report to justify whether a full or partial plan revision is appropriate, and that this should form part of the package of required documents at pre-deposit, deposit and submission?

<b>Q3</b>	<b><u>Short-form Revision Procedure</u></b> Where an authority is proposing to make partial revisions to an adopted LDP and the plan strategy remains sound, do you agree with the provision of the short-form revision procedure (quicker, shorter and more proportionate)?
<b>Q4</b>	<b><u>Soundness tests</u></b> Do you agree with the proposed package of soundness tests?
<b>Q5</b>	<b><u>Integrated approach</u></b> a. Do you agree that an integrated approach to incorporating sustainability appraisal (including strategic environmental appraisal) fully into LDP preparation will produce savings and reduce complexity? b. Do you agree that this integration would not conflict with any statutory process?
<b>Q6</b>	<b><u>Resources</u></b> In the LDP Regulations, do you agree with adding 'resources' as a matter to which regard must be had at Regulation 13, given that LDP strategies should be deliverable within the plan period?
<b>Q7</b>	<b><u>End date</u></b> In the LDP Regulations, do you agree with adding the end date of the LDP period (i.e. the end of the period for which the LDP is planning) to the LDP sub-title at Regulation 11(1)(b)?
<b>Q8</b>	<b><u>Notice by local advertisement</u></b> In the LDP Regulations, do you agree with removing the requirement to give notice by local advertisement (e.g. at Reg22(5)(b); Reg23(1)(c); 24(2)(b); 25(2)(c); 26(b))?
<b>Q9</b>	<b><u>Consultees</u></b> Do you agree with the revised list of statutory consultees?
<b>Q10</b>	<b><u>Guidance package</u></b> Do you agree with the principle of having a succinct two-document guidance package that excludes the need for <i>LDP Wales</i> ? (Please note that we will in due course be revising the public guide, <i>Planning Your Community: A guide to Local Development Plans 2006</i> , to reflect changes taken forward.)
<b>Q11</b>	<b><u>Errors</u></b> Are there any factual errors in the revised LDP documentation?
<b>Q12</b>	<b><u>Any other comments</u></b> We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

## Consultation

### Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: